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		Filing Date	December 31, 2003
		First Named Inventor	Nicholas W. Oakley
		Art Unit	2835
		Examiner Name	Ingrid D. Wright
		Attorney Docket Number	42P18067

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas S. Ferrill, Reg. No. 42,532 <u>BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP</u>
Signature	
Date	July 10, 2006

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Applicant claims small entity status. See 37 CFR 1.27.

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Complete if Known

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Filing Date	December 31, 2003
First Named Inventor	Nicholas W. Oakley
Examiner Name	Ingrid D. Wright
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Fee Description

Fee Paid

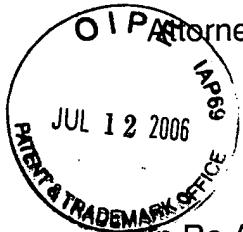
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
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1403	1,000	2403	500	Request for oral hearing	
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Attorney's Docket No: 42.P18067

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Nicholas W. Oakley

Application No.: 10/751,174

Filed: December 31, 2003

For: Mobile Computer Compound Hinge

Examiner: Wright, Ingrid D

Art Unit: 2835

Confirmation Number: 3400

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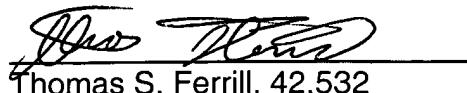
APPELLANT'S BRIEF TRANSMITTAL

Sir:

Enclosed for consideration is Appellant's Appeal Brief pursuant to C.F.R. §1.192 for the above-referenced case. This Brief is submitted in response to the Final Office Action mailed from the Examiner on January 10, 2006. If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

Dated: July 10, 2006


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Attorney's Docket No: 42.P18067

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APPEAL BRIEF

Pursuant to 37 C.F.R. § 1.192, Appellants submit in triplicate the following Appeal Brief for consideration by the Board of Patent Appeals and Interferences (hereinafter "Board"). Appellants also submit herewith a check in the amount of \$500.00 to cover the cost of filing this opening brief, as set forth in 37 C.F.R. § 1.17(c). Please charge any additional amounts due or credit any overpayment to Deposit Account No. 02-2666.

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I. REAL PARTY IN INTEREST

The real party in interest is the assignees of the full interest in the invention, Intel Corporation of Santa Clara, CA.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF CLAIMS

Claims 1-17 are pending in this application. All claims stand rejected. Claims 1-17 are presented for appeal. A copy of claims 1-17 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The instant application relates to an apparatus that includes a compound hinge. (See Abstract).

Example implementations of claims 1, 7, and 14 are as follows. In independent claim 1, an apparatus includes a base (204), a lid (202), a first link (206), and a second link (208). (See also Specification, pages 4-5, ¶ 13). The first link (206) is hinged to the base (204) about a first axis (210) at a first position (first edge 218 of the base), and hinged to the lid (202) about a second axis (214). The second link (208) is hinged to the base (204) about a third axis (212) at a second position (at a distance inward on the base 204 from the first edge 218), and hinged to the lid about a fourth axis (216). (See also Specification, p. 5, ¶ 14). The distance between the first position (first edge 218 of the base) and the second position (at a distance inward on the base 204 from the first

edge 218)is shorter than one half of the length of the base (204). (See, Figures 2, 3A, 3B, 3C, 4, 5A, and 5B).

In independent claim 7, Appellants claim an apparatus that includes a base (204), a lid (202), a first link (206), and a second link (208). (See also Specification, pages 4-5, ¶ 13). The first link (206) is pivotally coupled to the base (first edge 218 of the base) and pivotally coupled to the lid (See connection of link 206 with lid 202 at 214). The second link (208) is pivotally coupled to the base (at 216) and pivotally coupled to the lid (at 212). The first and second links (206 and 208 respectively) are positioned to position an edge of the display a distance from a first edge (218) of the base towards a second opposite edge (the edge of the display opposite to edge 218) of the base when the lid (202) is in an unfolded position. A distance between the first edge (218) and a position of hinging of the second link (208) to the base (at 212 in Figure 4) is shorter than the distance between the position of hinging of the second link (208) to the base (at 212 in Figure 4) and the second edge of the base (the edge of the display opposite to edge 218 in Figure 4).

In independent claim 14, Appellants claim an apparatus that includes a base (204), a lid (202), a first link (206), and a second link (208). (See also Specification, pages 4-5, ¶ 13). The first link (206) is pivotally coupled to a first edge of the base (first edge 218 of the base 204) at a first position (first edge 218 of the base) and pivotally coupled to lid (202), a first distance from an edge of the lid (See connection of link 206 with lid 202 at 214). The second link (208) is pivotally coupled to the base at a second position (at 216), a second distance from the first link (206), and pivotally coupled to an edge of the lid (at 212), wherein a distance between the first position (218) and second position (212) is shorter than one half of the length of the base (204). (See also, Figures 2, 3A-C, 4, and 5A-B).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues involved in this Appeal are as follows:

- A. Claims 1-5, 7-11, and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,384,811 B1 by Kung, et al. ("Kung").

B. Claims 6, 12, 13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung and the alleged knowledge in the art in view of US Patent No. 6,654,234 B2 by Landry, et al. ("Landry").

VII. ARGUMENT

A. Overview of Cited References

1. Overview of Kung – Kung discloses using two pairs of links to connect a display of a portable computer to the main frame. The display module is movable among (1) a closed position where the display module is disposed on top of the main frame module with the display panel facing downwardly and covering the keyboard, (2) a standard keyboard typing position where the display panel forms an angle with the keyboard, and (3) an image viewing position where the display module is disposed on top of the main frame module and covers the keyboard with the display panel facing upwardly.

2. Overview of Landry – Landry discloses a connector arm rotated about a hinge structure outwardly from the base of a portable computer to an angular orientation.

B. The cited combinations of references fail to teach or suggest all of the limitations of Appellants' claims.

Claims 1-5

Appellants respectfully submit that claims 1-5 are not obvious over Kung in view of alleged knowledge in the art. Appellants respectfully submit that it would not be obvious to modify Kung to provide the claimed element. As seen in Kung's Figures 2-9, the distance between a position (Kung reference numeral 32) where the first link hinges to the base and the distance between a position (Kung reference numeral 30) where the second link hinges to the base is greater than one half of the length of the base. Kung's Figure 7, for instance, shows that the position 32 of the first link hinge is at approximately one edge of the base and the position 30 of the second link hinge is

approximately one fourth of the length of the base from the other edge. This makes the two positions approximately three-fourths the distance between the length of the base.

In fact, Kung cannot maintain the multiple positions as shown in Figures 2-9, without the distance between a position (e.g., Kung's Figure 7, reference numeral 32) where the first link hinges to the base and the distance between a position (e.g., Kung's Figure 7, reference numeral 30) where the second link hinges to the base being greater than one half of the length of the base. Appellants respectfully submit that the only way applicants can think of that Kung could teach the claimed limitation if there were an additional retaining hole on the base. For instance, if in Figure 7, there were an additional retaining hole (say at a position 38) between positions 30 and 32, then Kung could teach distance between a position (Kung reference numeral 32) where the first link hinges to the base and the distance between a position 38 where the second link hinges to the base is less than one half of the length of the base. However, such a modification to teach the claimed invention would render Kung inoperable, since then Kung could not maintain multiple link positions and the link 42 would essentially be rendered useless. If proposed modifications would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modifications. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). (MPEP ¶ 2143.01). Considering that Kung's intended purpose would be destroyed if Kuroda were modified to have a length one half the base, there would certainly be no *technological motivation* for the modification. To the contrary, there would be a disincentive. *In re Gordon*, 33 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Therefore, Kung does not literally teach or suggest each and every limitation of claim 1. In fact, Kung would be rendered inoperable if Kung was modified to achieve the limitations in claim 1. Accordingly, Appellants respectfully submit that Applicant's invention as claimed in claims 1-5 is not rendered obvious by Kung, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

Claims 7-11

Claim 7 recites that “a distance between the first edge and a position of hinging of the second link to the base is shorter than the distance between the position of hinging of the second link to the base and the second edge of the base.” As discussed in reference to the rejection of claims 1-5, Kung does not teach or suggest this limitation. As such, Kung does not render obvious independent claim 7, and associated dependent claims 8-11.

Claims 14-16

Claim 14 recites that “a distance between the first position and second position is shorter than one half of the length of the base.” As discussed in reference to the rejection of claims 1-5, Kung does not teach or suggest this limitation. As such, Kung does not render obvious independent claim 7, and associated dependent claims 15-16.

Claim 6

As discussed above, Kung does not teach or suggest a distance between the first position and the second position is shorter than one half of the length of the base, as claimed in claim 1. Landry does not supply this missing element because Landry does not teach a pair of links. As such, claim 6, which depends from and includes each and every limitation of claim 1, is not obvious over Kung and Landry.

Claims 12 and 13

As discussed above, Kung does not teach or suggest that “a distance between the first edge and a position of hinging of the second link to the base is shorter than the distance between the position of hinging of the second link to the base and the second edge of the base,” as claimed in claim 7. Landry does not supply this missing element because Landry does not teach a pair of links. As such, claims 12 and 13, which depend from and include each and every limitation of claim 7, are not obvious over Kung and Landry.

Claim 17

As discussed above, Kung does not teach or suggest that "a distance between the first position and second position is shorter than one half of the length of the base," as claimed in claim 14. Landry does not supply this missing element because Landry does not teach a pair of links. As such, claim 17, which depends from and includes each and every limitation of claim 14, is not obvious over Kung and the alleged knowledge and Landry.

VIII. CONCLUSION

Based on the foregoing, Appellants respectfully submit that that the Board should reverse the rejection of all pending claims and hold that all of the claims currently under review are allowable.

Respectfully submitted,

Dated: July 10, 2006



Thomas S. Ferrill, 42,532

IX. CLAIMS APPENDIX

The claims involved in this appeal are presented below.

1. (Previously Presented) An apparatus comprising:

a base;

a lid;

a first link hinged to the base about a first axis at a first position, and hinged to the lid about a second axis; and

a second link hinged to the base about a third axis at a second position, and hinged to the lid about a fourth axis, wherein a distance between the first position and the second position is shorter than one half of the length of the base.

2. (Original) The apparatus of claim 1, the first and second link situated to position an edge of the display a distance from a first edge of the base towards a second opposite edge of the base, when the lid is in an unfolded position.

3. (Previously Presented) The apparatus of claim 1, wherein the first link is pivotally coupled to the first edge of the base, and the second link is pivotally coupled to the base between the first link and the second edge of the base.

4. (Original) The apparatus of claim 3, wherein, in the unfolded position, a distance between the first link pivotally coupled to the base and second link pivotally coupled to the base, is less than a distance between the bottom of the lid and the first edge of the base.

5. (Original) The apparatus of claim 4, wherein the apparatus is mobile computer system.

6. (Original) The apparatus of claim 5, wherein the first and second links are pivotally coupled to a member section of the base, the member section pivotally coupled to the base.

7. (Previously Presented) An apparatus comprising:
a base;
a lid;
a first link pivotally coupled to the base and pivotally coupled to the lid; and
a second link pivotally coupled to the base and pivotally coupled to the lid, the first and second link positioned to position an edge of the display a distance from a first edge of the base towards a second opposite edge of the base, when the lid is in an unfolded position, wherein a distance between the first edge and a position of hinging of the second link to the base is shorter than the distance between the position of hinging of the second link to the base and the second edge of the base.

8. (Original) The apparatus of claim 7, wherein the first link has a length greater than the second link.

9. (Original) The apparatus of claim 8, wherein the first link is pivotally coupled to first edge of the base, and the second link is situated between the first link and the second edge of the base.

10. (Original) The apparatus of claim 9, wherein, in the unfolded position, a distance between the first link pivotally coupled to the base and second link pivotally coupled to the base, is less than a distance between the bottom of the lid and the first edge of the base.

11. (Original) The apparatus of claim 10, wherein the apparatus is mobile computer system.

12. (Original) The apparatus of claim 7, wherein the first and second links are pivotally coupled to a member section of the base, the member section pivotally coupled to the base.

13. (Original) The apparatus of claim 7, wherein the member section is pivotally coupled to the first edge of the base.

14. (Previously Presented) An apparatus comprising:
a base;
a lid;
a first link pivotally coupled to a first edge of the base at a first position and pivotally coupled to lid, a first distance from an edge of the lid; and

a second link pivotally coupled to the base at a second position, a second distance from the first link, and pivotally coupled to an edge of the lid, wherein a distance between the first position and second position is shorter than one half of the length of the base.

15. (Original) The apparatus of claim 14, wherein the first link and second link are coupled to the base and lid, to position the edge of the lid a third distance from the first edge of the base towards a second opposite edge of the base, when the lid is in an unfolded position.

16. (Original) The apparatus of claim 15, wherein the apparatus is mobile computer system.

17. (Original) The apparatus of claim 16, wherein the first and second links are pivotally coupled to a member section of the base, the member section pivotally coupled to the base.

X. EVIDENCE APPENDIX

No other evidence is submitted in connection with this appeal.

XI. RELATED PROCEEDINGS APPENDIX

No related proceedings exist.